| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/499,598 | 02/07/2000 | Mick Henniger | 4103-40821 | 1489 |

| | | | EXAMINER |
|---|---|---|---|
| 33031 | 7590 | 04/02/2004 | MAHMOUDI, HASSAN |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2175 | 10 |

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | |
|---|---|---|---|
| **Advisory Action** | 09/499,598 | HENNIGER ET AL. | |
| | **Examiner** | **Art Unit** | |
| | Tony Mahmoudi | 2175 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 15 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

  (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

  (b) ☐ they raise the issue of new matter (see Note below);

  (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
  NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: *1-8, 10-16, and 18*.

  Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

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Continuation of 5. does NOT place the application in condition for allowance because:

The applicants' arguments made in the Response To Final Office Action, filed on 15-March-2004 have been fully considered but are not found persuasive:

In response to the applicants' arguments that in the Tehranian reference, "it does not appear clear to the undersigned that the emulated data is provided to the microprocessor", the arguments have been fully considered but are not found persuasive, because Tehranian et al teaches that "the device access controller emulates a floppy disk drive" and he further states that "the device access controller is a microprocessor based controller" (see column 8, lines 29-45.)

In response to the applicants' arguments that "Tehranian does not teach or fairly suggest claim 1's limitation of a development port receiving data from an emulator when the development port is coupled to the emulator device", the arguments have been fully considered but are not found persuasive, because Tehranian et al teaches: "Disk Emulator (DSK) 222 in ISA/DAC Interface (IDI) 220 will receive the data and, emulating a floppy disk with respect to ISA Bus 108, will write the floppy disk data onto ISA Bus 108 to the selected destination". In this case, the "development port" is read on "the selected destination" (see column 10, lines 8-27.)

In response to the applicants' arguments that "the Office Action ignores the claim limitation that the development port can be used to receive boot-up code and can be used to receive emulator data when the development port is coupled to an emulator device", the arguments have been fully considered but are not found persuasive in view of the remarks and discussions made above.